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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,954	02/03/2004	Steven Thrasher	22002.00022	5296

7590 09/04/2007
Steven Thrasher
391 Sandhill Dr.
Richardson, TX 75080

EXAMINER

MILLER, SAMANTHA A

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,954

Applicant(s)

THRASHER ET AL.

Examiner

Samantha A. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1-17 are objected to because of the following informalities: Claim 6 is missing and then cause 7-17 to be misnumbered being there are actually only 16 claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5, 8-10, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by KILE (5,846,127). KILE teaches in the specification and Figs. 1-8 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

KILE teaches:

1. A housing (10) that is adapted to attach to an adapter (Fig.7) and also adapted to maintain at least a receiver (126), a switch (138), a drive (136), and a power source (120, 121, and 123); the adapter being configured to couple the housing (10) to a ventilation register (17) (col.2 ll.45-49 and col.4 l.46-col.5 l.13); the receiver located in the housing and capable of receiving a signal directly from a remote control device (140), and also capable of generating an electric signal for the switch (col.4 l.46-col.5

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l.13); the switch (138) coupled to the receiver (126) and to the drive (136) (Fig.7); the switch having logic capable of controlling (128) a supply of power to the drive (Fig.7); and the drive (136) being adapted to couple to a member (shaft from motor connected to member 56, col.3 ll.5-13).

2. The power source (123) is a battery (Fig.7).

5. The adapter couples to a front portion of the ventilation register (17) (Fig.1).

8. The adapter is a metal plate (56) comprising a ventilation register clamp (51) and a housing mount (col.3 ll.5-13).

9. The adapter comprises a strap (19) that is adapted to couple to the housing (col.3 ll.47-54).

10. The adapter comprises a strap (19) that is adapted to couple to the ventilation register (col.3 ll.47-54).

13. The housing (10) is integrated within the body of a ventilation register (17) (Fig.1).

14. A housing comprising a receiver, a logic, a local power source, and a motor; receiving a wireless signal at the receiver; using the logic to convert the signal into a motor signal; and running the motor to articulate a ventilation register; wherein the motor, the receiver, and the logic are powered with the local power source (col.2 ll.45-49 and col.4 l.46-col.5 l.13).

15. The housing is adapted to couple to the ventilation register (17) (Fig.1).

16. The housing is integrally formed with the ventilation register (17) (Fig.1).

17. Receiving a wireless signal; using logic to convert the signal into a motor signal; and utilizing a local power source to run a motor to articulate a ventilation register between an open and a closed position (col.2 ll.45-49 and col.4 l.46-col.5 l.13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over KILE in view of WALTZ (5,460,572).

KILE teaches the invention above. However KILE possibly does not teach a snap fit.

WALTZ teaches:

3. The adapter (81) comprises a snap hook (snap edge that has hooked edges in Fig.1) that couples to the ventilation register (82), and a snap that couples to the housing (col.8 l.67-col.9-12).

12. The housing mount is a snap-on steak (col.8 l.67-col.9-12).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the remote system of KILE in view of the snap fit of WALTZ in order to provide a quick and easy connection.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KILE in view of DUDLEY (5,345,966).

KILE teaches the invention above. However KILE possibly does not teach a plurality of register or the adapter coupling to the rear of the register.

DUDLEY teaches:

4. The adapter is configured to couple to a plurality of ventilation registers (40, 45) (Fig.2).

7. The adapter (25) couples to a rear portion of the ventilation register (Fig.4) (col.4 l.66-col.6 l.5).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the remote system of KILE in view of the registers of DUDLEY in order to provide access to the system from many rooms and to have a more appealing look of the register.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over KILE in view of DHALLAN (2002/0069599).

KILE teaches the invention above. However KILE possibly does not teach a magnet connection with the register.

DHALLAN teaches:

11. The adapter (103) comprises magnets (104) adapted to couple to the ventilation register (para.0036).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the remote system of KILE in view of the magnet of DHALLAN in order to provide a quick and easy connection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As listed on PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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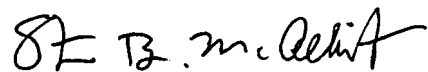
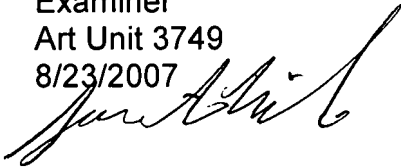
USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller

Examiner

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8/23/2007



STEVE MCALLISTER
SUPERVISORY PATENT EXAMINER